

VERNER LIPPERT  
BERNHARD McPHERSON & HAND  
CHARTERED

901 - 15TH STREET, N.W.  
WASHINGTON, D.C. 20005-2301  
(202) 371-6000  
FAX: (202) 371-6279

WRITER'S DIRECT DIAL  
(202) 371-6060

ORIGINAL

RECEIVED

NOV 12 1996

November 12, 1996

Federal Communications Commission  
Office of Secretary

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

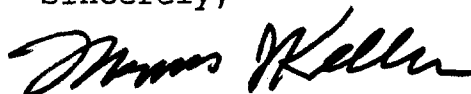
Re: Reply Comments of the Association of American Railroads  
in CC Docket Number 96-98

Dear Mr. Caton:

Enclosed please find an original and eleven (11) copies of  
the Reply Comments of the Association of American Railroads in  
the above-captioned docket.

Please direct any questions that you may have to the  
undersigned.

Sincerely,



Thomas J. Keller

enclosures

No. of Copies rec'd 0211  
List ABCDE

HOUSTON, TEXAS  
2600 TEXAS COMMERCE TOWER  
600 TRAVIS  
HOUSTON, TEXAS 77002  
(713) 225-7200  
FAX: (713) 237-1216

AUSTIN, TEXAS  
SAN JACINTO CENTER  
98 SAN JACINTO BLVD., SUITE 1440  
AUSTIN, TEXAS 78701  
(512) 703-6000  
FAX: (512) 703-6003

HONOLULU, HAWAII  
HAWAII TIMES BUILDING  
928 NUUANU AVE., SUITE 400  
HONOLULU, HAWAII 96817  
(808) 566-0999  
FAX: (808) 566-0995

MCLEAN, VIRGINIA  
8280 GREENSBORO DRIVE  
SUITE 601  
MCLEAN, VIRGINIA 22102  
(703) 749-6000  
FAX: (703) 749-6027

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

NOV 12 1996

Federal Communications Commission  
Office of Secretary

In the Matter of

Implementation of the Local Competition  
Provisions in the Telecommunications Act  
of 1996

Interconnection between Local Exchange  
Carriers and Commercial Mobile Radio  
Service Providers

)  
) CC Docket No. 96-98

)  
) CC Docket No. 95-185

DOCKET FILE COPY ORIGINAL

**REPLY COMMENTS**  
**OF THE ASSOCIATION OF AMERICAN RAILROADS**

The Association of American Railroads ("AAR"), by its attorneys and pursuant to Section 1.429 of the Commission's Rules,<sup>1/</sup> respectfully submits these reply comments in response to comments submitted by the National Railroad Passenger Corporation ("Amtrak"), UTC, The Telecommunications Association ("UTC") and the American Public Power Association ("APPA") in the above-captioned proceeding.<sup>2/</sup> Amtrak, UTC and APPA filed comments in support of the Petition for Clarification of the Lower Colorado River Authority in this docket.<sup>3/</sup>

---

<sup>1/</sup> 47 C.F.R. §1.429 (1995).

<sup>2/</sup> First Report and Order ("Interconnection Order"), FCC 96-325, CC Docket Nos. 96-98, 95-185 (Aug. 8, 1996), 61 Fed. Reg. 45,476 (1996), partial stay granted, Iowa Utilities Board v. FCC, 1996 U.S. App. LEXIS 27953 (8th Cir. Oct. 15, 1996), petition for reversal of stay pending (U.S. Sup. Ct., filed Oct. 31, 1996).

<sup>3/</sup> See Comments of the National Railroad Passenger Corporation (Amtrak) (Oct. 31, 1996); UTC Consolidated Comments on Petitions for Clarification (Oct. 31, 1996);

(continued...)

AAR notes that Amtrak, UTC and APPA strongly support AAR's request that the Commission clarify ambiguous language contained in Paragraph 994 of the Interconnection Order regarding the definition of "telecommunications services" so that the sale or lease of excess capacity on private fiber or microwave facilities would not subject railroads to interconnection obligations. Moreover, no party to this proceeding has objected to AAR's request for clarification. AAR agrees with APPA's request that the Commission segregate this clarification from other issues on reconsideration to avoid delay in the resolution of this issue.<sup>4/</sup> Therefore, AAR urges the Commission to clarify the meaning of Paragraph 994 by issuing a special notice or other comparable official release in an expeditious manner.

Respectfully submitted,

ASSOCIATION OF AMERICAN RAILROADS

By:   
Thomas J. Keller  
Kathy D. Smith

Verner, Lipfert, Bernhard,  
McPherson & Hand, Chtd.  
901 - 15th Street, N.W.  
Suite 700  
Washington, D.C. 20005  
(202) 371-6000

Its Attorneys

Dated: November 12, 1996

---

3/(...continued)

Reply Comments of the American Public Power Association in Support of Its Petition for Clarification or Reconsideration of the Commission's First Report and Order ("APPA Comments") (Oct. 31, 1996).

4/ See APPA Comments at 4.

## **CERTIFICATE OF SERVICE**

I, Renee K. Kernan, a secretary with the law firm of Verner, Liipfert, Bernhard, McPherson and Hand, hereby certify that on this 12th day of November, 1996, a copy of the Reply Comments of the Association of American Railroad was mailed, first-class, postage prepaid to:

Chairman Reed E. Hundt  
Federal Communications Commission  
1919 M Street, NW -- Room 814  
Washington, D.C. 20554

Commissioner James H. Quello  
Federal Communications Commission  
1919 M Street, NW -- Room 802  
Washington, D.C. 20554

Commissioner Rachelle B. Chong  
Federal Communications Commission  
1919 M Street, NW -- Room 844  
Washington, D.C. 20554

Commissioner Susan Ness  
Federal Communications Commission  
1919 M Street, NW -- Room 832  
Washington, D.C. 20554

William E. Kennard, Esq.  
General Counsel  
Federal Communications Commission  
1919 M Street, NW -- Room 614  
Washington, D.C. 20554

A. Richard Metzger, Jr.  
Deputy Bureau Chief  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, NW -- Room 500  
Washington, D.C. 20554

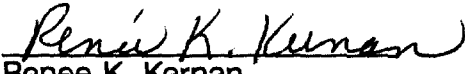
Suzanne Tetrault, Esq.  
Office of the General Counsel  
Federal Communications Commission  
1919 M Street NW  
Washington, D.C. 20554

Kalpak Gude  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, NW  
Washington, D.C. 20554

Phillip L. Spector  
Patrick S. Campbell  
Paul, Weiss, Rifkind,  
Wharton & Garrison  
1615 L Street, N.W.  
Suite 1300  
Washington, D.C. 20036  
Counsel to the National Railroad  
Passenger Corporation

James Baller  
Lana Meller  
The Baller Law Group  
1820 Jefferson Place, N.W.  
Suite 200  
Washington, D.C. 20036  
Counsel to the American Public  
Power Association

Jeffrey L. Sheldon  
Sean A. Stokes  
UTC, The Telecommunications  
Association  
1140 Connecticut Avenue, N.W.  
Suite 1140  
Washington, D.C. 20036

  
Renee K. Kernan